



ORIGINAL

No. VLC-S-H-121044
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA
Re: 26123 – 126th Avenue, Maple Ridge, British Columbia V2W 1C4

BETWEEN:

HOME TRUST COMPANY

PETITIONER

AND:

STEWART EDWARD IRVINE
CARMEL YOKO RICHTER
SHERWIN JACK-YEN HO
OLYMPIA TRUST COMPANY, IN TRUST
JOHN DOE (TENANT) and JANE DOE (TENANT)

RESPONDENTS

AFFIDAVIT OF ORDINARY SERVICE

I, Noemi Sedlmeier, Legal Secretary, of #206 – 1110 Hamilton Street, in the City of Vancouver, in the Province of British Columbia, MAKE OATH AND SAY AS FOLLOWS:

1. On May 8, 2013, I served the Petition Respondent, STEWART EDWARD IRVINE, with the Notice of Application with attached draft Order for Conduct of Sale and Affidavit #1 of Monique Cheng, sworn May 2, 2013 and both filed May 6, 2013, copies of the filed first pages of each document are collectively attached to this Affidavit and marked as Exhibit "A", by:

- ☐ leaving the document at
- ☒ mailing the documents by ordinary mail to 26123 – 126th Avenue, Maple Ridge, BC V2W 1C4; and by
- ☐ faxing the document to _____ together with a fax cover sheet
- ☒ e-mailing the document to sirvineyvr@gmail.com

2. On May 8, 2013, I served the Petition Respondent, CARMEL YOKO RICHTER, with the Notice of Application with attached draft Order for Conduct of Sale and Affidavit #1 of Monique Cheng, sworn May 2, 2013 and both filed May 6, 2013, copies of the filed first pages of each document are collectively attached to this Affidavit and marked as Exhibit "A", by:

- ☐ leaving the document at
- ☒ mailing the documents by ordinary mail to c/o Spry Hawkins Micner, Attention: Jack Micner, Suite 440, 5900 No. 3 Road, Richmond, BC V6X 3P7
- ☐ faxing the document to _____ together with a fax cover sheet
- ☐ e-mailing the document to _____

30/04

☐ leaving the document at


☒ mailing the documents by ordinary mail to c/o Spry Hawkins Micner,
Attention: Jack Micner, Suite 440, 5900 No. 3 Road, Richmond, BC V6X
3P7

☐ faxing the document to _____ together with a fax cover sheet

☐ e-mailing the document to _____

[] leaving the document at
[x] mailing the documents by ordinary mail to #1003 – 750 West Pender
Street, Vancouver, BC V6C 2T8
[] faxing the document to _____ together with a fax cover sheet
[] e-mailing the document to _____

6. Collectively attached hereto marked Exhibit "C" are copies of our letters dated May 8, 2013 enclosing the foregoing documentation along with the stamped envelopes served by ordinary mail.


A Commissioner for taking oaths in and
for the Province of British Columbia.


NOEMI SEDLMEIER

RON BAKONYI
BARRISTER & SOLICITOR
#206-1110 HAMILTON ST.
VANCOUVER, B.C. V6B 2S2
TEL: 604-688-7700



This is Exhibit " A " referred to in the
affidavit of Noemi Sedlmeier
sworn before me at Vancouver
this 16 day of May 2013
[Signature]
A Commissioner for taking Affidavits
for British Columbia

No. VLC-S-H-121044
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Re: 26123 – 126th Avenue, Maple Ridge, British Columbia V2W 1C4

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OLYMPIA TRUST COMPANY, IN TRUST
JOHN DOE (TENANT) and JANE DOE (TENANT)

RESPONDENTS

NOTICE OF APPLICATION

Name of applicant: Petitioner, Home Trust Company

To: The Petition Respondents
And To: Their Solicitors

TAKE NOTICE that an application will be made by the applicant to the presiding Master at the Courthouse at 800 Smithe Street, in the City of Vancouver, in the Province of British Columbia, on Thursday, May 30, 2013 at 9:45 a.m. for the Order set out in Part 1 below.

Part 1: ORDER SOUGHT

1. see attached draft Order for Conduct of Sale.

Part 2: FACTUAL BASIS

1. Pursuant to the Order Nisi pronounced November 29, 2012 by Master Muir, the last date for redemption, which is May 29, 2013, will be expired and the Respondent has not redeemed the subject property.



*(Affidavit #1 of Monique Cheng)
(Sworn May 2nd, 2013)*

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PETITIONER

AND:

**STEWART EDWARD IRVINE
CARMEL YOKO RICHTER
SHERWIN JACK-YEN HO
OLYMPIA TRUST COMPANY, IN TRUST
JOHN DOE (TENANT) and JANE DOE (TENANT)**

RESPONDENTS

A F F I D A V I T

I, Monique Cheng, Default Recovery Officer, of Suite 2300 – 145 King Street West, Toronto, Ontario, MAKE OATH AND SAY AS FOLLOWS:

1. I am employed by the Petitioner as a Default Recovery Officer – Legal Services, in its Default Recovery Department, and I am authorized by the Petitioner to make this Affidavit on its behalf. I have been involved with the attempted collection of the subject loan herein and have reviewed all pertinent information. As such, I have personal knowledge of the matters and facts hereinafter deposed to, save and except where the same are stated to be based upon information and belief, and where so stated, I verily believe the same to be true.

2. As at May 30, 2013, the amount due and owing to the Petitioner under its subject Mortgage herein will be \$467,770.91, plus costs. Interest runs at the daily rate of \$64.87. The foregoing amount is calculated as follows:

- | | |
|--|---------------------|
| • Amount claimed as at November 29, 2012 pursuant to Order Nisi: | \$455,964.57 |
| • Accrued interest from November 29, 2012 to May 30, 2013
(182 days x \$64.87): | <u>\$ 11,806.34</u> |

TOTAL AMOUNT OWING AS OF COURT DATE (May 30, 2013): **\$467,770.91**

Mimi


From: Mimi [mimi@rblaw.ca]
Sent: Wednesday, May 08, 2013 11:02 AM
To: 'sirvineyvr@gmail.com'
Subject: Home Trust Company v. Irvine - Foreclosure of 26123 - 126th Avenue, Maple Ridge, BC

To: Stewart Edward Irvine

Please see attached filed Notice of Application with attached draft Order for Conduct of Sale and filed Affidavit #1 of Monique Cheng, sworn May 2, 2013 in support of our application for Order for Conduct of Sale set for Thursday, May 30, 2013 in Vancouver Supreme Court of British Columbia. The original will follow by mail.

Thank you.

Noemi (Mimi) Sedlmeier
Legal Secretary for:
Ronald A. Bakonyi
BAKONYI & COMPANY
#206-1110 Hamilton Street
Vancouver, BC V6B 2S2
Phone: 604-688-7700
Facsimile: 604-688-7799
Email: mimi@rblaw.ca

This is Exhibit " B " referred to in the
affidavit of Noemi Sedlmeier
sworn before me at Vancouver
this 16 day of May 20 13

A Commissioner for taking Affidavits
for British Columbia

5/8/2013

Page 3 of 11
of Exhibits

BAKONYI & COMPANY
BARRISTERS & SOLICITORS
NOTARIES PUBLIC

Suite #206 – 1110 Hamilton Street
Vancouver, British Columbia
V6B 2S2

Phone: (604) 688-7700
Facsimile: (604) 688-7799
E-Mail: ron@rblaw.ca


File No. 23387

COPY

May 8, 2013

PERSONAL & CONFIDENTIAL

STEWART EDWARD IRVINE
26123 – 126th Avenue
Maple Ridge, BC V2W 1C4

This is Exhibit "C" referred to in the
affidavit of Neemi Sedlmeier
sworn before me at Vancouver
this 16 day of May 20 13

A Commissioner for taking Affidavits
for British Columbia

Re: Home Trust Company v. Irvine
Vancouver Supreme Court of British Columbia – Action No. VLC-S-H-121044
Order for Conduct of Sale Application set for Thursday, May 30, 2013

Please find enclosed for service upon you, copies of the following documentation:

1. filed Notice of Application with attached draft Order for Conduct of Sale; and
2. filed Affidavit # 1 of Monique Cheng, sworn May 2, 2013

with respect to the above-noted matter. Kindly acknowledge service of same by signing and returning the copy of this letter to our office at your earliest convenience.

Yours very truly,

BAKONYI & COMPANY

Per:
RONALD A. BAKONYI
RB/ns

Encl. - As listed above.

BAKONYI & COMPANY
BARRISTERS & SOLICITORS
NOTARIES PUBLIC

Suite #206 – 1110 Hamilton Street
Vancouver, British Columbia
V6B 2S2

Phone: (604) 688-7700
Facsimile: (604) 688-7799
E-Mail: ron@rblaw.ca

File No. 23387

May 8, 2013

COPY

CARMEL YOKO RICHTER
c/o Spry Hawkins Micner
Barristers and Solicitors
Suite 440 – 5900 No. 3 Road
Richmond, BC V6X 3P7

ATTENTION: Jack Micner

Re: Home Trust Company v. Irvine
Vancouver Supreme Court of British Columbia – Action No. VLC-S-H-121044
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BAKONYI & COMPANY

Per:
RONALD A. BAKONYI
RB/ns

Encl. - As listed above.

BAKONYI & COMPANY
BARRISTERS & SOLICITORS
NOTARIES PUBLIC

Suite #206 – 1110 Hamilton Street
Vancouver, British Columbia
V6B 2S2

Phone: (604) 688-7700
Facsimile: (604) 688-7799
E-Mail: ron@rblaw.ca

File No. 23387

May 8, 2013

COPY

SHERWIN JACK-YEN HO
c/o Spry Hawkins Micner
Barristers and Solicitors
Suite 440 – 5900 No. 3 Road
Richmond, BC V6X 3P7

ATTENTION: Jack Micner

Re: Home Trust Company v. Irvine
Vancouver Supreme Court of British Columbia – Action No. VLC-S-H-121044
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Yours very truly,

BAKONYI & COMPANY

Per:
RONALD A. BAKONYI
RB/ns

Encl. - As listed above.

BAKONYI & COMPANY
BARRISTERS & SOLICITORS
NOTARIES PUBLIC

Suite #206 – 1110 Hamilton Street
Vancouver, British Columbia
V6B 2S2

Phone: (604) 688-7700
Facsimile: (604) 688-7799
E-Mail: ron@rblaw.ca

File No. 23387

COPY

May 8, 2013

OLYMPIA TRUST COMPANY, IN TRUST
#1003 – 750 West Pender Street
Vancouver, BC V6C 2T8

Re: Home Trust Company v. Irvine
Vancouver Supreme Court of British Columbia – Action No. VLC-S-H-121044
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Yours very truly,

BAKONYI & COMPANY

Per:
RONALD A. BAKONYI
RB/ns

Encl. - As listed above.



PERSONAL & CONFIDENTIAL

STEWART EDWARD IRVINE
26123 - 126th Avenue
Maple Ridge, BC V2W 1C4

CARMEL YOKO RICHTER
c/o Spry Hawkins Micner
Barristers and Solicitors
Suite 440 - 5900 No. 3 Road
Richmond, BC V6X 3P7
ATTENTION: Jack Micner



NY
ST.
1252

SHERWIN JACK-YEN HO
c/o Spry Hawkins Mienner
Barristers and Solicitors
Suite 440 - 5900 No. 3 Road
Richmond, BC V6X 3P7

ATTENTION: Jack Mienner



OLYMPIA TRUST COMPANY, IN TRUST
#1003 - 750 West Pender Street
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RESPONDENTS

AFFIDAVIT OF ORDINARY SERVICE

File #23387

Ronald A. Bakonyi
BAKONYI & COMPANY
Barristers & Solicitors
#206 – 1110 Hamilton Street
Vancouver, B.C.
V6B 2S2

Phone: 604-688-7700
Fax: 604-688-7799